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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,287	09/30/2003	Joel Steven Harris		4755

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EXAMINER

NOLAND, THOMAS

ART UNIT PAPER NUMBER

2856

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/673,287	Applicant(s) HARRIS, JOEL STEVEN	
	Examiner Thomas P. Noland	Art Unit 2856	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 7, 8, 11, 12, 22 and 28 is/are rejected.
- 7) ☒ Claim(s) 4, 6, 9, 10, 13-21 and 23-27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. Claims 4, 6, 9-10, 13-21, and 23-27 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim can depend from a previous claim as an alternative only. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-3, 5, 7-8, 11-12, 22 and 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 4 because of lack of proper antecedent after "either hand" --- of a user -- should be inserted. There is no proper antecedent for "the contoured finger rest in the front" in line 5. In line 6 "device" should be -- the apparatus --. There is no proper antecedent for " the sample collet system " in line 16. Also in line 16 after "change" -- the -- should be inserted. It is unclear if the "two spur gears" in line 17 are the same or different than the spur gears" in line 11. It is unclear if the "a mechanism" in line 11 is referring to earlier elements or a new element. In line 19 "ergonomically designed hollow clamshell casing" should be replaced with -- also allowing the hollow clamshell casing to be ergonomically designed and - - -. Claim 2 is unclear because it is unclear whether the limitation in parentheses was meant to be claimed. It is noted each claim must be in the form of a single sentence. For examination purposes the parenthetical sentence has not been further considered. The second sentences in claims 3, 5, 7-8,

and 28 as well as the third sentence in claim 28 render these claims similarly unclear and for examination purposes the additional sentences therein have not been further considered. Also in claim 3, line 2 "the top" should be -- a top --. In claim 5, line 1 "said activation" should be -- said actuation --. In line 2 "the top" should be -- a top --. In claim 7, line 1 "having a hollow clamshell casing with contours" should be replaced with --- wherein the hollow clamshell casing comprises contours designed ---. In claim 8, line 1 "having a motor to rotate the sample sleeve thereby requiring no" should be replaced with --- wherein the motor is designed to rotate the sample sleeve without requiring --. In claim 11, in line 1 "wherein the motor may be actuated by" should be replaced with -- further comprising -- and "the top" should be replaced with --- a top --- and in line 2 before the period - - - for actuating the motor - - - should be inserted. For clarity in claim 12, line 1 "the collet system" should be - - - the sample collet system ---. In claim 22, line 1 it is unclear if "a spindle locking system" is meant to be a form of the collect locking system of claim 1. If a different element it should be more positively recited in a manner analogous to the suggested changes for claim 11. There is also no antecedent for "the spindle" in claim 22, line 1 or "the collect nut" in line 2. Claim 28 is unclear because no further limitations are set forth to accomplish the nongeneration of static electricity. Also this claim is inconsistent with the specification on page 9, lines 1-3 which indicates only that static electricity generation is reduced.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited references show sample collectors. None show or

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would have made obvious an electric apparatus to collect a sample with a hollow clamshell casing a contoured shape as set forth, and other elements including two spur gears structured, interacting and in combination as best understood to be set forth in claim 1.

5. Claims 1-3, 5, 7-8, 11-12, 22 and 28, as best understood, would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

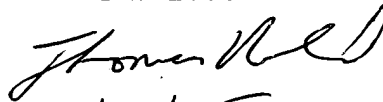
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom Noland whose telephone number is (571) 272-2202. The examiner can normally be reached on weekdays from 9:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Hezron E. Williams, can be reached on (571) 272-2208.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to 2800 Customer Service at (571) 272-2815.

Thomas P. Noland
Primary Examiner
Art Unit 2856


6/28/05

Noland/ds

06/21/05